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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BOIVAE FLEMING,

Petitioner,

vs.

WARDEN HUTCHISON, *et al.*,

Respondents.

Case No. 2:20-cv-01983-CDS-EJY

ORDER GRANTING
UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO
RESPOND TO FIRST AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (FIRST REQUEST)
[ECF No. 25]

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy Attorney General, hereby move this Court for an enlargement of time of sixty days, or up to and including Tuesday, October 25, 2022, to file and serve their response to Petitioner Boviae Fleming's (Fleming) first amended petition for writ of habeas corpus at ECF No. 22.

This motion is based on the provisions of Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers and pleadings on file herein.

This is Respondents' first request for an enlargement of time to file and serve their response to Fleming's petition. Respondents make this motion in good faith and not for the purpose of unnecessary delay.

RESPECTFULLY SUBMITTED this 24th day of August, 2022.

AARON D. FORD
Attorney General

By: /s/ Gerri Lynn Hardcastle
GERRILYNN HARDCASTLE (Bar No. 13142)
Deputy Attorney General

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**DECLARATION OF COUNSEL (IN
SUPPORT OF RESPONDENTS' MOTION
FOR ENLARGEMENT OF TIME TO
RESPOND TO FIRST AMENDED PETITION
FOR WRIT OF HABEAS CORPUS (FIRST
REQUEST)**

I, Gerri Lynn Hardcastle, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division. I am the deputy assigned to represent Respondents, and I make this declaration in support of Respondents' motion for enlargement of time, first request.

2. Through this motion, I am requesting an enlargement of time of sixty days, or up to and including Tuesday, October 25, 2022, to file and serve my clients' response to Fleming's first amended petition for writ of habeas corpus at ECF No. 22. This is Respondents' first request for an enlargement of time to respond, and the response is currently due on August 26, 2022.

3. I need additional time to prepare the response because I do not yet have an index of the state court record. The support staff who prepare the record are currently undermanned and have not had the opportunity to pull and index the necessary records. I require the full, complete index before I file my response. In order to provide my staff sufficient time to pull the full record, and to allow me

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1 sufficient time to review the same and prepare my response, I request sixty days, or up to and including
2 Tuesday, October 25, 2022, to file my response.

3 4. Earlier today I exchanged emails with Jonathan Kirshbaum, the Assistant Federal Public
4 Defender representing Fleming, and I asked him if he objects to the proposed enlargement. Mr.
5 Kirshbaum said he has no objection.

6 5. I make this motion in good faith and not for the purpose of unduly delaying the ultimate
7 disposition of this case.

8 6. Pursuant to 28 U.S.C. § 1746, I hereby certify, under penalty of perjury, that the
9 foregoing is true and correct.

10 EXECUTED this 24th day of August, 2022.

11 By: /s/ Gerri Lynn Hardcastle
12 GERRI LYNN HARDCASTLE (Bar No. 13142)
13 Deputy Attorney General

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15 **ORDER**

16 IT IS SO ORDERED.

17 Dated this 12th day of September, 2022.

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20 UNITED STATES DISTRICT JUDGE
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